UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,285	12/13/2001	Kevin Michael Wueste	MSFT-0673/174290.01	7591

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/023,285	WUESTE, KEVIN MICHAEL
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 August 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 08/28/2006.

Response to Amendment

1.   This action is responsive to the application filed on 08/28/2006.

No claims have been amended. No new claims are added. Claims 1-23 are pending.

Claims 1-23 represent a method and system for a "concentric user-targeting delivery."

Response to Arguments

2.   Applicant's arguments with respect to claims 1-23 have been carefully

considered, but are not deemed fully persuasive. Applicant's arguments are deemed

moot in view of the following new ground of rejection as explained here below.

The dependent claims stand rejected as articulated in the First Office Action and

all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-23**are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bunney et al. (Bunney), U.S. Patent No. 6,697,792 B2, in view of Owensky (Owensky),

Patent No. 6,647,257 B2.

Regarding **claim 1**, Bunney discloses the invention substantially as claimed.

Bunney teaches a system to generate and deliver concentric user-targeted content

comprising:

one or more data stores having data representative of participating user profile

information and/or data representative of participating user content usage information

(column 1, lines 10-40; column 6, lines 27-47);

a content data store, said content data store having various content for display to

participating users (column 1, lines 10-40; column 6, lInes 27-47); and

at least one instruction set cooperating with said first, second, and content data stores

wherein said at least one instruction set operates on data from said first and second

data stores to generate at least one preference for said participating user

wherein said at least one instruction set further operates on said generated preference

to obtain a range of concentric content from said content data store such that said range

of content is correlated in varying degrees to said generated at least one preference for

said participating user (column 1, lines 10-40; column 6, lines 27-67);

However applicant replies that Bunney does nöt disclose, teach or suggest an

instruction set that operates on a generated preference to obtain a range of concentric

content from a content data store such that the range of content is correlated in varying

degrees to the generated preference.

In the same field of endeavor, Owensky discloses "...*the switch interface program provides the Switch Data to the database management program. The database management program inputs, outputs, stores and retrieves the Ad Content Data 24 (i.e., the plurality of pre-selected messages to be targeted to the subscriber), the Subscriber Profile Data 26 (i.e., the demographic and personal preference data pertaining to the subscriber) and the Historical Response Data 28 (i.e., the record of the targeted messages previously provided to the subscriber and the responses made to the targeted messages, as well as a record of the geographical location of the subscriber at the time the message was provided to the subscriber). In addition, the database management program inputs, stores and retrieves the Ad Target Data 25 (i.e., the criteria for choosing the messages from the Ad Content Data to be targeted to the subscriber). The database management program combines the Switch Data with the Subscriber Profile Data 26 and the Historical Response Data 28 to generate an Ad Selection Code. The Ad Selection Code is then manipulated to select an appropriate advertisement for the subscriber based on the geographical location of the subscriber, the demographics and preferences of the subscriber...*" [see Owensky; column 17, lines 54-67; column 18, lines 1-10].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Owensky's teachings of a method and apparatus that operates on a generated preference to obtain a range of concentric content from a content data store with the teachings of Bunney, for the purpose of providing a method for distributing information from at least one content

source to at least one client by means of a network and a server..." as stated by

Bunney in lines 3-8 of column 1. Owensky also provides motivation to combine by

stating that a system is needed to provide targeted messages to a subscriber of a

wireless device...messages that are chosen from a database of pre-selected

commercial information or advertisements...(see Owensky, column 1, lines 12-25). By

this rationale **claim 1** is rejected.

Regarding **claim 2**, the combination Bunney-Owensky discloses the system as

recited in claim 1, wherein said profile information is input by said participating user for

storage on said one or more data stores [see Owensky; column 17, lines 54-67; column

18, lines 1-57].

Regarding **claim 3**, The combination Bunney-Owensky discloses the system as

recited in claim 2, wherein said profile information comprises demographic and/or

preference information for said participating user [see Owensky; column 17, lines 54-67;

column 18, lines 1-57].

Regarding **claim 4**, The combination Bunney-Owensky discloses the system as

recited in claim 1, wherein said usage information comprises current and historical

usage information [see Owensky; column 15, lines 1-32; column 18, lines 1-57].

Regarding **claim 5**, The combination Bunney-Owensky   discloses the system as

recited in claim 1, wherein said at least one instruction set implements at least one

matching algorithm, said at least one matching algorithm accepting as input said data

from said one or more data stores and generating said at least one preference [see

Owensky; column 17, lines 54-67; column 18, lines 1-57].

Regarding **claim 6**, The combination Bunney-Owensky discloses the system as recited in claim 5, wherein said instruction set implements a matching algorithm, accepting said at least one preference and said content from said content data store as input to generate said range of concentric content [see Owensky; column 18, lines 54-67; column 19, lines 1-18].

Regarding **claim 7**, The combination Bunney-Owensky discloses the system as recited in claim 1, wherein said range of concentric content comprises at least two of differing content offerings [see Owensky; column 18, lines 54-67; column 19, lines 1-18].

Regarding **claim 8**, The combination Bunney-Owensky discloses the system as recited in claim 7, wherein said differing content offerings differ from each other on a graduated basis offerings [see Owensky; column 18, lines 54-67; column 19, lines 1-18].

Regarding **claim 9**, The combination Bunney-Owensky discloses the system as recited in claim 7, wherein said varying degrees are based on said content usage information offerings [see Owensky; column 18, lines 54-67; column 12, lines 4-37].

Regarding **claim 10**, The combination Bunney-Owensky discloses the system as recited in claim 1, wherein said range of concentric content comprises three differing concentric content offerings, said differing concentric content offerings differing from each other on a graduated basis [see Owensky; column 18, lines 54-67; column 12, lines 4-37].

Regarding **claim 11**, The combination Bunney-Owensky discloses the system as recited in claim 1, wherein said first, second, and content data stores operate in a computing environment (see Bunney; column 1, lines 10-40; column 6, lines 27-47);

Regarding **claim 12**, The combination Bunney-Owensky discloses the system as recited in claim 11, wherein at least one said instruction set comprises a computing application (see Owensky; column 6, lines 9-39).

Regarding **claim 13**, The combination Bunney-Owensky discloses the system as recited in claim 12, wherein said range of concentric content is delivered to participating users over a communications network (see Liu; column 64, lines 4-67; column 51, lines 4-38).

Regarding **claim 14**, The combination Bunney-Owensky discloses the system as recited in claim 13, wherein said communications network comprises any of a wireless LAN, a fixed wire LAN, a wireless WAN, a fixed wire WAN, a wireless intranet, a fixed wire intranet, a wireless extranet, a fixed wire extranet, a wireless peer-to-peer communications network, a fixed wire peer-to-peer communications network, and the Internet (see Owensky fig. 1).

Regarding **claim 15**, The combination Bunney-Owensky discloses the system as recited in claim 13, wherein said range of concentric content is displayable in electronic display panes (see Bunney; column 6, lines 12-39).

Regarding **claim 16**, The combination Bunney-Owensky discloses the system as recited in claim 15, wherein said electronic display panes are part of a content browser computing application (see Bunney; column 6, lines 12-39).

Regarding **claim 17**, The combination Bunney-Owensky discloses a computer

implemented method to generate concentric user-targeted content for a participating

user, comprising the steps of:

receiving user data from one or more data stores having data indicative of

participating user profile information and/or data indicative of participating user content

usage information (see Bunney; column 1, lines 10-40; column 6, lines 27-47);

receiving content from at least one content data store (see Bunney; column 1,

lines 10-40; column 6, lines 27-47);

generating at least one preference for said participating user based on said user

data (see Bunney; column 1, lines 10-40; column 6, lines 27-47); and

matching said at least one preference with said content from data store to

generate said range of concentric user-targeted content that is matched to said

generated at least one preference for said participating user with varying degrees of

certainty [see Owensky; column 17, lines 54-67; column 18, lines 1-10].

Regarding **claim 18**, The combination Bunney-Owensky discloses the method as

recited in claim 17 further comprising the step of: distributing said range of concentric

user-targeted content to said participating users over a cooperating communications

network (see Bunney; column 1, lines 10-40; column 6, lines 27-47).

Regarding **claim 19**, The combination Bunney-Owensky discloses the method as

recited in claim 17, wherein said matching step comprises the step of: applying at least

one matching algorithm to said at least one preference and said content [see Owensky;

column 17, lines 54-67; column 18, lines 1-57].

Regarding **claim 20**, The combination Bunney-Owensky discloses the method as recited in claim 17, further comprising the step of: communicating with at least one content partner to obtain additional content for use when generating said range of concentric content [see Owensky; column 17, lines 54-67; column 18, lines 1-57].

Regarding **claim 21**, The combination Bunney-Owensky discloses a computer readable medium having computer readable instructions to perform the method as recited in claim 17 (see Bunney, fig. 1; see Owensky, fig. 1).

Regarding **claim 22**, The combination Bunney-Owensky discloses a method to generate and deliver concentric user-targeted content comprising the acts of:

providing one or more data stores having data indicative of participating user profile information and/or data indicative of participating user content usage information (see Bunney; column 1, lines 10-40; column 6, lines 27-47);

providing a content data store, said content data store having content from at least one content service provider (see Bunney; column 1, lines 10-40; column 6, lines 27-47);and

providing a computing application, said computing application cooperating with said, one or more data stores and content data to generate preferences from said profile information and said content usage information (see Bunney; column 1, lines 10-40; column 6, lines 27-47); wherein said computing application processes said preferences along with said content to determine a range of concentric user-targeted content, said range of concentric user-targeted content including content levels differing on a graduated basis (see Liu; column 64, lines 55-67; column 65; lines 1-15); and

delivering said generated range of concentric user-targeted content to a

participating user over a communications network, said communications network

cooperating with said computing application [see Owensky; column 17, lines 54-67;

column 18, lines 1-10].

Regarding **claim 23**, The combination Bunney-Owensky discloses the method as

recited in claim 22, wherein said providing said content data store step further

comprises cooperating with at least one content partner to obtain said content (see

Bunney; column 7, lines 22-63).

Response to Arguments

5.   Applicant's Request for Reconsideration filed on 12/05/2005 has been carefully

considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent

to address Applicants' main points of contention.

A. Applicant submits that Bunney does not disclose, teach, or suggest an

instruction set that operates on a generated preference

to obtain a range of concentric content from a content data store such that the

range of content is correlated in varying degrees to the generated preference

(see claim 1), matching a generated preference with content to generate a range

of concentric user-targeted content that is matched to the generated preference

with varying degrees of certainty (see claim 17), or providing a computing

application that processes preferences along with content to determine a range

of concentric user-targeted content that includes content levels differing on a

graduated basis (see claim 22).

B. Applicant submits that Liu does not describe a system or method for

generating concentric user-targeted content and, therefore, the portions of Liu

cited in the Office Action do not disclose, teach, or suggest the claim limitations

recited above.

6.As to "Point A" it is the position of the Examiner that Bunney and Liu, in detail

teaches the limitations of the above mentioned claims (see Bunney and rejection

of claim 1). To respond to applicant characterization of Bunney, new patent of

Owensky in used in combination with Bunney to address the the step of an

instruction set that operates on a generated preference to obtain a range of

concentric content from a content data store such that the range of content is

correlated in varying degrees to the generated preference[see rejection of claim

1 and 17 above)

As to "Point B", see point A above.

Conclusion

6.   Applicant's remarks and new claims necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL.** The Examiner strongly anticipates a Final Rejection Office Action on the next response if amendments are not properly made to the claims to perhaps place them in condition for allowance.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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JJG

September 11, 2006